

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
CENTRAL PUGET SOUND REGION
STATE OF WASHINGTON

ANDREW CAINION

Petitioner,

v.

CITY OF BAINBRIDGE ISLAND,

Respondent.

CASE NO. 10-3-0013

**ORDER DENYING RECONSIDERATION
OF ORDER ON MOTION TO DISMISS**

On January 7, 2011, the Board issued its Order on Motion to Dismiss in the above-referenced case. With that Order, the Board found the Petitioner's challenge to the City of Bainbridge Island's denial of proposed Comprehensive Plan amendments was untimely and that the City was under no mandatory obligation to adopt Petitioner's proposed amendments. The Petitioner now seeks reconsideration of the Board's Decision.¹ Bainbridge Island requests the Board deny this motion.²

I. DISCUSSION

A motion for reconsideration must be based on alleged material errors of procedures, misinterpretation of fact or law; an irregularity that occurred at the hearing so as to prevent a fair hearing; or clerical mistakes in the final decision.³ Petitioner does not expressly state the reason for his motion but it appears to be based on WAC 242-02-832(2)(a) - errors in fact or law.

¹ Cainion's Request for Reconsideration of Board Action to Dismiss, filed January 17, 2011.

² Respondent's Response to Petitioner's Motion for Reconsideration, filed July 20, 2011.

³ WAC 242-02-832(2)

1 With his motion, Petitioner alleges the Board erred when it concluded that the City, via
2 language in its Comprehensive Plan, had not established a mandatory obligation in regards
3 to the timely completion of the Special Area Planning Process. In addition, Petitioner
4 contends the Board compounded this error when it concluded his appeal of this “unfulfilled
5 mandate” was untimely.⁴
6

7 Petitioner’s argument for reconsideration introduces no additional authorities but simply
8 reargues the case – zealously and forcefully – with Petitioner reaching a different conclusion
9 than the Board in application of the governing statutory and case law to the facts at hand.
10 While the Board understands the Petitioner believes the City has established a clear
11 mandate to fulfill his perceived obligation made in the Comprehensive Plan, the Board is not
12 persuaded that it erred in its application of the law regarding the limitations of its jurisdiction
13 under the GMA.
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16 THEREFORE, Petitioner’s Motion for Reconsideration is DENIED.
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18 II. ORDER

19 Based on the foregoing, the Board enters the following Order:

- 20 ■ Petitioner’s Motion to Reconsider the Order on Motions and Dismissal is **denied**.
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22 So ORDERED this 26th January, 2011.
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Dave Earling, Board Member
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⁴ Cainion Motion, at 1-3